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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/871,240      | 05/30/2001  | Mark C. Duhon        | 22.1397             | 8266             |

35204 7590 09/19/2007  
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| EXAMINER |
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TSAY, FRANK

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| ART UNIT | PAPER NUMBER |
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3672

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09/19/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vsolis2@slb.com

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks of pages 8-17, filed June 11, 2007, with respect to prior rejection(s) of claim(s) 2, 3, 5-10, 27-29, 33, 35, 36, 44-49 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found art as follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2 and 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ohmer (US 6,056,059).

The apparatus for use in a wellbore is met by branching sub of Fig. 4 which is formed of super plastic material at outlet member 1881, 1842, 1861 (see col. 14, lines 55+), the component including a seal is anticipated by sealing elements 48 which are in sealing engagement with the super plastic outlet members (see Fig. 3C).

***Allowable Subject Matter***

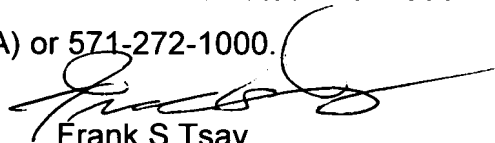
Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3, 5-11, 30-39, 42-49 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571)272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Frank S Tsay  
Primary Examiner  
Art Unit 3672

9/6/07